

PJS:MAT:mz

UNITED STATES DISTRICT COURT
IN THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CR. NO. 3:12-CR-253
)
 v.)
) (JUDGE CAPUTO)
 THEODOROS KYRIAKOPOULOS)
 AND DONALD DECKER)
)
) FILED
) HARRISBURG, PA

OCT 03 2012

INDICTMENT

MARY E. D'ANDREA, CLERK
Per _____ Deputy Clerk

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Commit Arson and Mail Fraud)

From on or about October 12, 2011, up to on or about September 26, 2012,
in Monroe County, Pennsylvania and within the Middle District of Pennsylvania
and elsewhere, the defendants,

**THEODOROS KYRIAKOPOULOS AND
DONALD DECKER**

did knowingly and willfully conspire and agree together and with each other and
with other persons known and unknown to the Grand Jury to commit offenses
against the United States; to wit, arson of a property used in interstate commerce, a
violation of Title 18, United States Code, Section 844(i) and mail fraud, a
violation of Title 18, United States Code, Section 1341. The objects of this

conspiracy included profiting from the insurance proceeds received for the damaged property. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Middle District of Pennsylvania and elsewhere:

(1) The defendant, **THEODOROS KYRIAKOPOULOS**, directed the defendant, **DONALD DECKER**, to set fire to the contents and the building housing Dana's Restaurant and Tavern, 500 Sterling Road, Tobyhanna, Monroe County, Pennsylvania, for the purpose of collecting the insurance money for the damaged property. As part of the scheme, **KYRIAKOPOULOS** agreed to pay **DONALD DECKER** \$25,000 in cash from the insurance proceeds.

(2) The defendant, **DONALD DECKER**, did set fire to the contents and the building housing Dana's Restaurant and Tavern, 500 Sterling Road, Tobyhanna, Monroe County, Pennsylvania at **KYRIAKOPOULOS'** direction.

(3) The defendant, **THEODOROS KYRIAKOPOULOS**, knowingly caused to be delivered by mail at the place at which it was directed to be delivered by the person to whom it was addressed the following matters: (a) letter dated January 14, 2012 signed by defendant **THEODOROS KYRIAKOPOULOS**, Andrew Giambalvo and Dencee Giambalvo, representatives from A&D Associates, 164 Chestnut Oak Drive, Tannersville, Monroe County, Pennsylvania,

the accountants for defendant **THEODOROS KYRIAKOPOULOS** addressed to RBLA of PA, 530 Main Street, Stroudsburg, Monroe County, Pennsylvania, the insurance agent for Dana's Restaurant & Tavern; (b) letter dated April 2, 2012 signed by A&D Associates addressed to Greg Rhinehart, Executive General Adjuster for Cunningham & Lindsey, 3314 Market Street, Camp Hill, Cumberland County, Pennsylvania; and (c) letter dated April 3, 2012 signed by Greg Rhinehart, Executive General Adjuster for Cunningham & Lindsey, 3314 Market Street, Camp Hill, Cumberland County, Pennsylvania addressed to Peter Kahn, Matson, Driscoll & Damico, 120 Broadway, Suite 2830, New York , New York, accountants for Mutual Benefit Insurance Group.

In violation of Title 18, United States Code, Sections 371.

THE GRAND JURY FURTHER CHARGES:

COUNT TWO
(Use of Fire to Commit Federal Felony)

From on or about October 12, 2011, up to on or about September 26, 2012, in Monroe County, Pennsylvania and within the Middle District of Pennsylvania and elsewhere, defendant,

THEODOROS KYRIAKOPOULOS

aided and abetted by individuals known and unknown to the Grand Jury, knowingly used fire to commit a felony which may be prosecuted by a court of the United States; to wit, mail fraud, a violation of Title 18, United States Code, Section 1341.

In violation of Title 18, United States Code, Section 844(h).

THE GRAND JURY FURTHER CHARGES:

COUNT THREE
(Arson)

On or about October 12, 2011, in Monroe County, Pennsylvania and within the Middle District of Pennsylvania and elsewhere, the defendants,

**THEODOROS KYRIAKOPOULOS AND
DONALD DECKER**

aided and abetted by each other and by individuals known and unknown to the Grand Jury, maliciously damaged and destroyed and attempted to damage and destroy, by means of fire, a building at 500 Sterling Road, Tobyhanna, Monroe County, Pennsylvania, housing Dana's Restaurant and Tavern, and personal property within this building, used in or affecting interstate commerce; to wit, Dana's Restaurant and Tavern was supplied by Resort Beverage Company with many products that were manufactured and traveled in interstate commerce, such as beer and liquor.

In violation of Title 18, United States Code, Section 844(i).

THE GRAND JURY FURTHER CHARGES:

COUNT FOUR
(Mail Fraud)

Defendant **THEODOROS KYRIAKOPOULOS** did devise a scheme whereby he directed **DONALD DECKER** to set fire to Dana's Tavern and Restaurant, a business owned by **KYRIAKOPOULOS**, for the purpose of collecting the insurance money for the damaged property. As part of the scheme, **KYRIAKOPOULOS** agreed to pay **DONALD DECKER** \$25,000 in cash from the insurance proceeds.

From on or about October 12, 2011, up to on or about September 26, 2012, in Monroe County, Pennsylvania and within the Middle District of Pennsylvania and elsewhere, defendant **THEODOROS KYRIAKOPOULOS**, with the intent to defraud, devised and willfully participated in with knowledge of its fraudulent nature, the above-described scheme and artifice to defraud and obtain money by materially false and fraudulent pretenses, representations, and promises.

From on or about January 14, 2012 through April 4, 2012, and other dates, in Monroe County, Pennsylvania, and within the Middle District of Pennsylvania and elsewhere, for the purpose of executing or attempting to execute the above-described scheme and artifice to defraud and deprive, defendant **THEODOROS**

KYRIAKOPOULOS knowingly caused to be delivered by mail at the place at which it was directed to be delivered by the person to whom it was addressed the following matters: (1) letter dated January 14, 2012 signed by defendant **THEODOROS KYRIAKOPOULOS**, Andrew Giambalvo and Dencee Giambalvo, representatives from A&D Associates, 164 Chestnut Oak Drive, Tannersville, Monroe County, Pennsylvania, the accountants for defendant **THEODOROS KYRIAKOPOULOS** addressed to RBLA of PA, 530 Main Street, Stroudsburg, Monroe County, Pennsylvania, the insurance agent for Dana's Restaurant & Tavern; (2) letter dated April 2, 2012 signed by A&D Associates addressed to Greg Rhinehart, Executive General Adjuster for Cunningham & Lindsey, 3314 Market Street, Camp Hill, Cumberland County, Pennsylvania; and (3) letter dated April 3, 2012 signed by Greg Rhinehart, Executive General Adjuster for Cunningham & Lindsey, 3314 Market Street, Camp Hill, Cumberland County, Pennsylvania addressed to Peter Kahn, Matson, Driscoll & Damico, 120

Broadway, Suite 2830, New York , New York, accountants for Mutual Benefit Insurance Group.

In violation of Title 18, United States Code, Section 1341.

A TRUE BILL

FOREPERSON

10-3-2012

DATE

Peter J. Smith /mat
PETER J. SMITH
UNITED STATES ATTORNEY